

the filing fee on the ground of poverty. Rather, he contended that Federal Reserve notes are not legal tender, and he offered to satisfy the filing fee by tendering a silver coin valued at \$913. [ECF No. 11]. In an order dated March 12, 2020, the Court rejected this argument and directed Plaintiff to pay the filing fee in United States dollars or seek leave to proceed *in forma pauperis*. [ECF No. 12].

Plaintiff thereafter filed a Notice of Appeal regarding the Court's March 12, 2020 order. [ECF No. 16]. On January 11, 2021, the First Circuit dismissed the appeal because Plaintiff had failed to respond to its order to show cause why the appeal should not be dismissed for lack of finality. [ECF No. 19]. The First Circuit issued its mandate on February 1, 2021. [ECF No. 20].

On February 3, 2021, the Court issued the following order in this action:

In light of the First Circuit's dismissal of Plaintiff's appeal [19] and the ensuing mandate [10], the Court hereby orders Plaintiff to pay the \$400 filing fee or submit an application to proceed without prepayment of the fee. Plaintiff must use AO Form 239, which the Clerk will provide, for any request to proceed without prepayment of the filing fee, and Plaintiff's inability to afford the filing fee is the only basis on which Plaintiff may seek to proceed without prepayment of the fee. Failure to comply with this order within 21 days will result in dismissal of this action.

[ECF No. 21].

Plaintiff has failed to comply with this order. On February 23, 2021, Plaintiff filed an AO Form 239 bearing his signature. However, instead of following the instructions on the form, he wrote "4th Amendment" in the fields designated for information concerning his financial situation. [ECF No. 21]. He also filed a document entitled "Memorandum in Error" with the subheading: "Constitutional writ to proceed without payment of the filing fee, e.g., Pro bono, in lieu of a financial affidavit or application to proceed as a pauper or indigent." [ECF No. 23]. He argues therein, *inter alia*, that he has the right to proceed without payment of a filing fee even if he does not make any showing of indigency.

Plaintiff has not complied with the Court's February 3, 2021 order to resolve the filing fee and his proffered reasons for refusing to do so are without merit. Accordingly, this action is DISMISSED.

SO ORDERED.

/s/ Leo T. Sorokin

UNITED STATES DISTRICT JUDGE